

REMARKS

Favorable reconsideration of this application is respectfully requested in view of the following remarks.

By this Amendment, Claims 1, 4, 5, 13, 15 and 22 are amended, Claims 25 and 26 are added, and Claims 14 and 21 are canceled without prejudice. Thus, Claims 1-13, 15-20, 22 and 24-26 are now pending in this application. As a result of the amendments, Claims 1, 4, 5, 13 and 24-26 are the independent claims. No new matter is added.

Claim 22 is amended to obviate the rejection of this claim under 35 U.S.C. §112, second paragraph. Thus, withdrawal of the rejection is respectfully requested.

Applicants appreciate the Examiner's indication that independent Claim 24 is allowed. Applicants also appreciate the indication that Claims 5, 6, 14, 15 and 20-22 recite allowable subject matter and would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. By this Amendment, independent Claim 4 is amended to incorporate the subject matter of allowable Claim 21, and independent Claim 13 is amended to incorporate the subject matter of allowable Claim 14. In addition, Claim 5 is rewritten in independent form. Thus, independent Claims 4, 5 and 13, along with dependent Claims 6-12 and 15-20 and 22 are allowable. That leaves independent Claims 1, 25 and 26 for discussion.

The Official Action rejects independent Claim 1 under 35 U.S.C. §103(a) in view of the combination of European Application Publication No. 1 369 616 ("EP 616") and Russian Application Publication No. 1188033 ("SU 033").

Independent Claim 1 is directed to an axlebox-spring-unit of a railway bogie comprising at least one hydraulic spring having a housing being required for a

functionality of said hydraulic spring and an axlebox. At least a part of the axlebox forms at least a part of the housing, and at least an elastomeric portion of a spring element of the at least one hydraulic spring is provided in a hydraulic fluid of the hydraulic spring.

The hydraulic spring 2 in EP 616 includes an elastomeric part 8 and a plunger 20 as shown in Fig. 1 of the reference. The Official Action takes the position that the elastomeric part 8 and the plunger 20 *together* correspond to the claimed spring element. As illustrated in Fig. 1 of EP 616, a lower portion 22 of the plunger 20 is provided in a hydraulic fluid 6. In this regard, the Official Action says that the portion 22 of the "spring element" (elastomeric part 8 and the plunger 20 *together*) is in the hydraulic fluid 6.

However, the lower portion 22 of the plunger 20 in EP 616 is not elastomeric. Moreover, the elastomeric part 8 of hydraulic spring 2 is not provided in the hydraulic fluid 6 of the hydraulic spring 2. SU 033 fails to cure the deficiencies of EP 616. Thus, the combination of EP 616 and SU 033 fails to disclose, and would not have rendered obvious, an axlebox-spring-unit of a railway bogie having the claimed combination of features, including at least an elastomeric portion of a spring element of the at least one hydraulic spring provided in a hydraulic fluid of the hydraulic spring. Therefore, independent Claim 1 is patentable over the combination of EP 616 and SU 033 for at least the above reasons.

Claims 2 and 3 are patentable over EP 616 and SU 033 at least by virtue of their dependence from patentable independent Claim 1. Thus, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time. Withdrawal of the rejection of Claims 1-3 is respectfully requested.

The rejections of the remaining claims are rendered moot by the above amendments to independent Claims 4 and 13.

However, Applicants submit the following comments regarding independent Claims 4 and 13. Independent Claim 4 defines, *inter alia*, that a spring element of the hydraulic spring is directly connected to a part of the axlebox. Independent Claim 13 recites a similar feature.

The elastomeric element 8 in EP 616 is directly connected to the *outer ring 10* of the hydraulic spring 2, not a part of the housing. The Official Action believes that the elastomeric element 8 *contacts* the shoulder of the "housing" 4 near the connection of the outer ring 10 with the "housing" 4. In this regard, the Official Action states that the elastomeric element 8 is directly *connected* to the "housing" 4 of an axlebox as defined in independent Claims 4 and 13.

However, simply because the elastomeric element 8 may *contact* the shoulder of the "housing" 4, as shown in Fig. 2 of EP 616, does not mean that the elastomeric element 8 is directly *connected* to the "housing" 4. For example, when the plunger 20 is not in the depressed state as illustrated in Fig. 1 of EP 616, the elastomeric element 8 does not appear to contact the shoulder of the "housing" 4. In other words, although the elastomeric element 8 comes into and out of contact with the shoulder of the "housing" 4, the elastomeric element 8 is not directly *connected* to the "housing" 4. Accordingly, independent Claims 4 and 13 are allowable over the applied references for at least these additional reasons. Notwithstanding this difference between the claims and the applied art, independent Claims 4 and 13 are amended as above in order to advance prosecution of this application.

Independent Claims 25 and 26 are presented for consideration and correspond generally to the previous versions of Claims 4 and 13, respectively,

presented in the Amendment filed on May 10, 2010. Claim 25 defines that the spring element of the hydraulic spring is directly *vulcanized* to the part of the axlebox. Claim 26 defines a similar aspect of the axlebox-spring-unit of a railway bogie. Support for this feature can be found, for example, in lines 3 and 4 on page four of the specification.

As discussed above, the elastomeric element 8 in EP 616 may come into and out of *contact* with the shoulder of the "housing" 4 (see Figs. 1 and 2 of EP 616). However, the elastomeric element 8 is not directly *vulcanized* to the "housing" 4. Accordingly, independent Claims 25 and 26 are patentable over the applied references for at least this reason.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application the undersigned respectfully requests that he be contacted at the number indicated below.

Respectfully submitted,

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